

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TEELA CULL,

Plaintiff,

vs.

NEVADA PROPERTY 1 LLC,

Defendant.

Case No. 2:13-cv-00004-GMN-GWF

ORDER

Emergency Motion to Stay
Discovery (#35)

This matter comes before the Court on Defendant Nevada Property 1 LLC's ("Defendant") Motion to Stay Discovery (#35), filed on April 29, 2013. The parties also submitted a Proposed Discovery Plan (#34) on April 29, 2013. Defendant seeks to stay discovery in this matter pending the district court's ruling on its pending Motion to Dismiss (#20) for failure to state a claim.

Plaintiff's claims arise out of Defendant's alleged violation of her right of publicity by decorating rooms in the Cosmopolitan of Las Vegas Hotel with paintings of her likeness. Defendant filed its Motion to Dismiss (#20) on February 20, 2013, and the motion is now fully briefed. The parties held an initial Rule 26(f) conference on April 23, 2012, at which Plaintiff did not agree to stay discovery pending resolution of the Motion to Dismiss (#20). On the same day, Plaintiff served Defendant with its first round of discovery seeking information and documents related to the claims Defendant seeks to dismiss. Because the discovery responses are due before the instant Motion (#35) will be fully briefed, Defendant alternatively seeks a stay in discovery pending resolution of the instant Motion. The Court will therefore stay discovery in this matter pending ruling on this Motion. In the event the Motion (#35) is denied, the Court will allow Defendant a reasonable time to respond to Plaintiff's discovery requests and will enter a scheduling order. Accordingly,

5 **IT IS FURTHER ORDERED** that Plaintiff shall respond to the Motion (#35) no later than
6 **May 16, 2013**. Defendant shall file any reply no later than 10 days after receipt of any response.

7 **IT IS FURTHER ORDERED** that the Court shall conduct a hearing on the Motion (#35)
8 on **June 4, 2013 at 9:00AM** in Las Vegas Courtroom 3A.

9 DATED this 2nd day of May, 2013.

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GEORGE FOLEY, JR.
United States Magistrate Judge